

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PROGME CORPORATION,

Plaintiff,

v.

COMCAST CABLE COMMUNICATIONS,
LLC, et al.,

Defendants.

Civil Action No. 2:17-cv-1488

Judge Gerald A. McHugh

**COMCAST CABLE COMMUNICATIONS, LLC'S MOTION TO DISMISS PROGME'S
INDIRECT-INFRINGEMENT & WILLFULNESS CLAIMS UNDER FED. R. CIV. P.
12(B)(6), AND TO DISMISS CERTAIN DIRECT-INFRINGEMENT CLAIMS UNDER
FED. R. CIV. P. 12(B)(6) OR, ALTERNATIVELY, FOR A MORE DEFINITE
STATEMENT UNDER FED. R. CIV. P. 12(E)**

Defendant Comcast Cable Communications, LLC (“Comcast Cable”) moves this Court for an order dismissing Progme Corporation’s (“Progme”) claims for induced and contributory infringement (referred to collectively as “indirect” infringement) and willful infringement in its First Amended Complaint for Patent Infringement (D.I. 1, Attachments 13-15) under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. Comcast further moves for dismissal of claims of direct infringement set forth in Counts III-VI of the amended complaint, also for failing to state a claim under Fed. R. Civ. P. 12(b)(6). Alternatively, as to these Counts of direct infringement, Comcast moves under Fed. R. Civ. P. 12(e) for an order requiring a more definite statement.

The parties conferred about these motions on March 15, 2016, but reached no agreement.

Dated: June 7, 2017

Respectfully submitted,

/s/ Daniel J. Goettle

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CERTIFICATE OF SERVICE

I, Stephanie M. Papastephanou, hereby certify that on June 7, 2017, a copy of Comcast Cable Communications, LLC's Motion to Dismiss Progme's Indirect-Infringement & Willfulness Claims Under Fed. R. Civ. P. 12(B)(6), and to Dismiss Certain Direct-Infringement Claims Under Fed. R. Civ. P. 12(B)(6) or, Alternatively, For a More Definite Statement Under Fed. R. Civ. P. 12(E) was served upon counsel at the address and in the manner indicated:

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